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Attorneys for The Corporation Of The
President Of The Church Of Jesus Christ Of
Latter-day Saints and Successor

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MARK GILL,

Plaintiff,

v.

THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS AND
SUCCESSOR, a foreign not for profit
corporation,

Defendant.

Civil No.:

**NOTICE OF REMOVAL OF CIVIL
ACTION**

Multnomah County Circuit Court Case
No. 0803-03667

PLEASE TAKE NOTICE that pursuant to 28 USC §§ 1441 and 1446, Defendant
Corporation of the President of The Church of Jesus Christ of Latter-day Saints ("COP")
hereby removes to this Court the state court action described below:

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1. On or about March 6, 2008, Plaintiff filed an action in the Circuit Court of the State of Oregon for Multnomah County, styled and captioned exactly as above, as Case No. 0803-03667. COP was served with the Complaint on March 12, 2008.

2. This suit is a civil action of which this Court has jurisdiction under 28 USC §§ 1331, 1332 and thus is one which may be removed to this Court by COP pursuant to the provisions of 28 USC § 1441.

3. This Court has jurisdiction over this action pursuant to 28 USC § 1332 because this is a civil action wherein (1) the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, as alleged in the Complaint at paragraph 7 and in the Prayer (seeking over \$20 million in compensatory damages); and (2) complete diversity of citizenship exists under the laws and principles governing diversity jurisdiction and the proper joinder of parties.

4. COP is, and at all times has been, a religious corporation sole incorporated under the laws of the State of Utah and having its principal place of operation in the State of Utah, and, accordingly, is a citizen of the State of Utah.

5. Plaintiff resides in Multnomah County, Oregon and is a citizen of Oregon.

6. Fewer than 30 days have elapsed since this action was filed in state court or since Defendants were provided with a copy of Plaintiff's Complaint. 28 USC § 1446(b).

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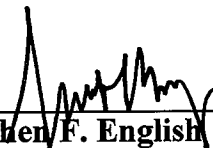
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WHEREFORE, COP gives notice that this action, now pending in the Circuit Court of the State of Oregon for the County of Multnomah as Case No. 0803-03667, is hereby removed from that court to this Court.

DATED this 14th day of March, 2008.

BULLIVANT HOUSER BAILEY PC

BY



Stephen F. English

OSB #730843

David A. Ernst

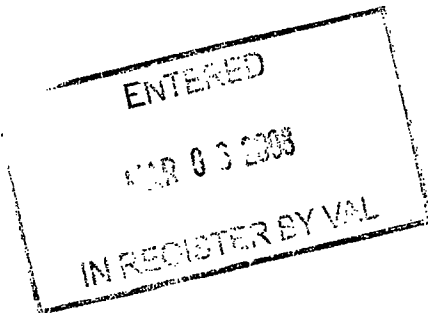
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Attorneys for The Corporation Of The President Of
The Church Of Jesus Christ Of Latter-day Saints
and Successor



FILED
2008 MAR -6 PM 1:44
CIRCUIT COURT
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

03667

MARK GILL,

Plaintiff,

v.

**THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS AND SUCCESSOR, a foreign not
for profit corporation.**

Defendant.

Case No.: **0803-03667**

COMPLAINT

(Sexual Battery)

**CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION**

**(Amount in controversy exceeds
\$50,000.00)**

JURY TRIAL DEMANDED

PLAINTIFF alleges:

FIRST CLAIM FOR RELIEF

(Sexual Battery)

1.

Plaintiff at all material times, was and is a resident of Multnomah County, Oregon; was born on December 9, 1965, and grew up in the inner Southeast area of Portland, in the neighborhood of the Twelfth Stake of Defendant Church of Jesus Christ of Latter-Day Saints, as further described below. Plaintiff and his immediate family were members of the Twelfth Stake.

1 2.

2 At all times material hereto, Defendant, The Corporation of the President of The
3 Church of Jesus Christ of Latter-Day Saints, a Corporation Sole (hereafter "Latter-Day
4 Saints") at all material times transacted business at a church commonly referred to as
5 the "Twelfth Stake" located at 2931 SE Harrison St., Portland, Oregon 97214, and
6 occupied premises open to the general public as well as to its parishioners.

7 3.

8 James Hogan ("Hogan") at all material times herein was a volunteer youth
9 minister or paid clergyman for Defendant Latter-Day Saints. Hogan performed duties at
10 Defendant Latter-Day Saints which included, but were not limited to: (a) acting as a
11 father figure to pre-adolescent and adolescent boys, (b) motivating pre-adolescent and
12 adolescent boys to attend church and Sunday School, (c) motivating pre-adolescent
13 and adolescent boys to attend and participate in the activities and events sponsored by
14 Defendant Latter-Day Saints, including but not limited to, youth activities, (d) performing
15 baptisms, e) church administrative duties with the assistance of pre-adolescent boys, (f)
16 engaging in counseling and offering spiritual and emotional guidance to pre-adolescent
17 and adolescent boys, (g) ministering formally and informally to the spiritual and
18 emotional needs of pre-adolescent boys and adolescent, and (h) performing other
19 similar work and activities typical of a volunteer youth ministry or paid clergyman for
20 Defendant Latter-Day Saints.

21 4.

22 Hogan was at all material times a duly authorized agent of Defendant Latter-Day
23 Saints and was a volunteer youth minister or paid clergyman acting within the course
24 and scope of his agency relationship with Defendant Latter-Day Saints. Defendant
Latter-Day Saints had the right to control the services and duties, which Hogan

1 performed on its behalf, as well as the manner in which Hogan performed these
2 services and duties. Over time, Hogan used his position as an agent of Defendant
3 Latter-Day Saints to gain the confidence and trust of Plaintiff and Plaintiff's mother and,
4 thereby, to gain permission from Plaintiff's mother to spend long, unsupervised times
5 alone with Plaintiff. Over time, Hogan used his position as an agent of Defendant
6 Latter-Day Saints to gain the confidence and trust of Plaintiff and, thereby, to gain his
7 consent to participate in various Church sponsored-activities with Hogan.

8 5.

9 At a date beginning when Plaintiff was about 9 and continuing until he was about
10 13, Hogan subjected Plaintiff to a continued and repeated pattern of sexual abuse and
11 sexual exploitation as defined by ORS 163, consisting of one or more of the following
12 acts:

- 13 (a) Fondling and touching of Plaintiff's genitalia;
- 14 (b) Oral genital contact;
- 15 (c) Oral intercourse; and
- 16 (d) Anal intercourse.

17 Defendant Latter-Day Saints permitted, allowed, or encouraged the sexual abuse
18 of Plaintiff by defendant Hogan and otherwise failed to take any steps or actions to
19 protect Plaintiff from the conduct of defendant Hogan as alleged herein when it knew or
20 should have known that the conduct of defendant Hogan presented a risk to minor
21 children and to Plaintiff. Plaintiff did not realize that he had suffered psychological
22 damage from the sexual abuse alleged or the causal connection between the
23 psychological damage and the acts of the Defendant above until a date within three
24 years of the date of the filing of this litigation and therefore this case been filed within
the time limits set forth in ORS 12.117(1).

1 6.

2 Defendant Latter-Day Saints provided Hogan with opportunities to be alone and
3 unsupervised with Plaintiff, to touch him physically and to ultimately molest Plaintiff
4 sexually. The activities of Hogan, occurred within the time and space limitations of
5 Hogan's agency relationship with Latter-Day Saints, they were committed out of a
6 desire, at least initially and partially, to fulfill Hogan's duties as a youth minister or
7 clergyman at Latter-Day Saints, and generally were of a kind and nature that Hogan
8 was required and encouraged by Defendant Latter-Day Saints to perform. Hogan's
9 motives evolved over time, and it became routine for him to sexually molest Plaintiff as
10 alleged above.

11 7.

12 As a direct and proximate result of the sexual abuse, sexual batteries and sexual
13 exploitation which Hogan perpetrated upon Plaintiff, Plaintiff has suffered, and will
14 continue to suffer indefinitely, from pain, mental suffering, emotional distress,
15 humiliation, sexual confusion, loss of care, comfort, companionship and society,
16 inconvenience and interference with the normal and usual activities of life, to his general
17 and non-economic damages in the sum of \$20 million.

18 8.

19 Plaintiff has incurred mental health therapy at a reasonable and necessary
20 expense of \$2,000.00, or such other greater amount as may be proven at trial. Plaintiff
21 hereby claims economic damages as alleged herein or such further greater amount as
22 may be proved at trial. Plaintiff's therapist will likely prescribe sex abuse victim
23 psychological and mental health counseling for an indefinite period of time in the future,
24 to Plaintiff's economic damages in the sum of \$100,000 or such further greater amount

1 as may be proven at trial.

2 9.

3 Plaintiff may at a future date seek the Court's permission to amend this
4 Complaint to seek the recovery of punitive damages.

5 **SECOND CLAIM FOR RELIEF**

6 (Negligence)

7 10.

8 Plaintiff re-alleges paragraphs 1 through 8 as though fully set forth herein.

9 11.

10 Defendant knew, or should have known, that Hogan was a pedophile, and
11 Defendant Latter-Day Saints was therefore negligent in allowing Hogan to have contact
12 and supervisory authority over its minor parishioners, including Plaintiff.

13 WHEREFORE, Plaintiff prays for the entry of a judgment against the Defendant,
14 in the amount of \$20 million as non-economic damages, and for Plaintiff's economic
15 damages in the amount of \$102,000 or such other amount as may be proven at trial,
16 and for Plaintiff's costs and disbursements incurred herein.

17 DATED this 10th day of March, 2008.

18 
19 **Randall V. Valt, OSB #77381**
Attorney for Plaintiff

20 **PLAINTIFF HEREBY DEMANDS A JURY TRIAL**
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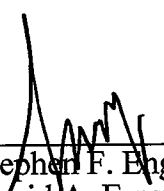
CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2008, I served a true copy of the foregoing
NOTICE OF REMOVAL OF CIVIL ACTION on the attorney for plaintiff by the method
indicated below on said day.

Randall Vogt
Randall Vogt PC
1314 NW Irving St., Ste. 207
Portland, OR 97209

MAIL

Attorneys for Plaintiff



Stephen F. English
David A. Ernst
Scott Brooksby

Of Attorneys for Defendant